DEWAN'S REPLY : Mr. Mahalinga Mudaliyar, I do not quite see how undue preference could be given to creditors in view of the safeguards existing in the Insolvency Regulation. There is definite provision in the Regulation and in spite of that if such preference is given, it will be illegal.

You then referred to the unsatisfactory nature of the work of the official receivers. The idea of official receivers is new in Travancore and you have got to give them a little time to fall into the way of their work. They have got to know exactly how they should work. Matters will adjust themselves as the official receivers gain experience.

The other difficulties that you mentioned are more against the whole of the Insolvency Regulation than anything else. I have to say that you have not succeeded in convincing the Government, that it is necessary to repeal the Regulation.

44. Establishment of a Magistrate's Court at Haripad.

MR. KANAKKU NILAKANTA PILLAI GOVINDA PILLAI (*Member, Kartikapalli taluk*) spoke about the need for a Magistrate's Court at Haripad. Ever since the establishment of criminal courts in the State, there had been a Magistrate's Court at Haripad. But, as a result of the separation of Revenue from Magistracy, the Magistrate's Court at Haripad was abolished. Even when other important towns, such as Kayankulam, Kottar, Colachel, Tiruvattar and Pattanamtitta, were having only a Third Class Magistrate's Court, there was a Second Class Magistrate's Court at Haripad and for a time there was even a First Class Magistrate's Court there. The above facts would show that a Magistrate's Court at Haripad was a necessity. Of the 18 *pakuthies* of the Kartikapalli taluk, all except 4 were included in the jurisdiction of the old Magistrate's Court. But all the *pakuthies* were since included in the jurisdiction of the Kayankulam Magistrate. The people of Kartikapalli were put to much difficulty and inconvenience on account of the change. Kayankulam lay 16 miles away from the northern *pakuthies* of Kartikapalli. People attending court from these places could not return home on the same day before night-fall and they could hardly afford to spend money for journeys by motor car. Sometimes, when they returned home at night, they were assaulted by parties of the opposite side. Again, on account of the heavy work in the Kayankulam Magistrate's Court, cases were very often adjourned. On account of such difficulties, many people were debarred from seeking remedies in courts. A charging police station and a few sub-stations were located at Haripad. For the proper control of those stations in the matter of criminal prosecutions, a Magistrate's Court was an absolute necessity. As it was, the police were liable to commit excesses. The Bench Magistrate's Court at Haripad would not satisfy the wants of the inhabitants because of its limited jurisdiction, both territorial and in regard to the power of punishment. Statistics for three years prior to and after the abolition of the Magistrate's Court at Haripad would show that, on an average, there was a decrease of 82 cases a year during the latter period when compared with the former. The decrease in crime or litigiousness was due to the people having been prevented from seeking redress in many cases on account of the inconvenience and losses caused by the location of a Magistrate's Court in a distant place. In view of the above, the member prayed that a Magistrate's Court be established at Haripad.

If the Government could not sanction it, the member prayed in the alternative that the local Tahsildar be invested with magisterial powers as had been done in some other taluks. The magisterial duties could not be an unbearable burden on the officer in view of the fact that he had been doing the same prior to the year 1098 along with his Devaswom and Maramath works since taken away from him. If necessary, the Taluk office staff might be strengthened by the addition of one or two clerks for doing magisterial work.

Another reason mentioned by the member to support his plea for the establishment of a Magistrate's Court at Haripad was the heavy work of the Kayankulam Magistrate. The latter had under his jurisdiction 33 *pakuthies* included in the Kartikapalli, Karunagapalli and Mavelikara taluks. The magisterial work in those taluks was formerly distributed among three Magistrates. However capable

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and diligent the Magistrate might be, he could not cope with such heavy work. Besides cases charged by the police stations in his jurisdiction, he had to attend to cases charged by the three Excise offices situated within his jurisdiction and also cases charged by the various other departments.

Again, Kartikapalli, though small in area, was one of the most populous taluks in the State. Haripad, its capital, was a municipal town. It had other institutions such as a Taluk Cutcherry, a Munsiff's Court, a Sub-Registrar's office, a police station, a Maramath Circle office, a First Grade Devaswom and the office of an Assistant Inspector of Schools. In view of the importance of the town, a Magistrate's Court should be established there.

DEWAN'S REPLY : Mr. Nilakanta Pillai Govinda Pillai, this question, namely, the establishment of a Magistrate's Court at Haripad, came up during the last session of the Assembly too and I then said there was not justification for the establishment of a court there since the Kayankulam Magistrate's Court was well situated for the whole of Kartikapalli taluk with the exception possibly of a few of the northern *pukuthies* in the taluk. Since the last session, I had the question taken up and the District Magistrate has now proposed the transfer of the jurisdiction of the northern *pakuthies* of the taluk from the Kayankulam Magistrate to the jurisdiction of the Ambalapuzha Magistrate. So the difficulties of the people of the northern *pakuhies* in the Kartikapalli taluk will be removed. Beyond that, I am afraid it is not possible for the Government to do anything now.

45. Establishment of a Magistrate's Court at Tiruvalla.

MR. K. RAMASWAMI AIYAR (*Member, Municipal Council, Tiruvalla*) said that the need for a Magistrate's Court at Tiruvalla had been incessantly urged upon the Government for a period of four years through the Legislative Council, the Sri Mulam Popular Assembly, deputations and memorials. A Magistrate's Court was in existence there from the year 1048 till 1098 when as a result of the re-distribution of revenue and magisterial charges, it was abolished. The abolition was effected without previous notice. In reply to the representation on the subject made by a deputation that waited on the previous Dewan, he stated that he would decide the matter after local inspection. On local inspection, he was convinced of the necessity for a Magistrate's Court and it was proposed to appoint a Magistrate with jurisdiction over the six *pakuthies* of Nedumpram, Tiruvalla, Kavumbhagam, Kallupara, Kaviyur and Ezhumattur. But the Court had not yet become a realised fact.

A Magistrate's Court was an absolute necessity for the protection of the life and property of the people. Viewed from the standpoint of population, revenue, extent, commerce, etc., Tiruvalla could legitimately claim a Magistrate's Court. Of the 800 cases that were filed, on an average, in a year in the Chengannur Magistrate's Court, more than 500 cases were from the 15 *pakuthies* of Tiruvalla. Prior to 1098, as many as 600 cases were being filed on an average from those *pakuthies* in a year. The distance of the Court at Chengannur from the *pakuthies* of Tiruvalla varied from 8 to 28 miles and people were, consequently, put to much difficulty in filing suits there. Moreover during the rainy season, some places would be under water and there were no proper means of communication. In view to obviate these difficulties, the member suggested that a Magistrate be appointed at Chengannur or Tiruvalla as an Assistant to the First Class Magistrate at Chengannur or that the Tahsildar be invested with magisterial powers and given jurisdiction over some of the *pakuthies* of the taluk. If either of the arrangements was not feasible, the local Munsiff might be appointed as Munsiff-Magistrate with magisterial jurisdiction over the six *pakuthies* named above. The Munsiff's Court had on its file, on an average, 1,200 original suits and 900 small cause suits a year.

DEWAN'S REPLY : Mr. Ramaswami Aiyar, the one thing that I have not been allowed to forget since I came here nearly two years ago is the need for a Magistrate's Court for Tiruvalla, all its own. It has not got enough cases for a Magistrate's Court, and just now you told me that it has not got enough vakils. However, rest assured that I will not be allowed to forget Tiruvalla and its need for a

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